



1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF ALABAMA
3 EASTERN DIVISION

4
5 DAVID DAVIS,

6 Plaintiff,

7 vs.

CASE NO. 3:06-CV-0054-VPM

8 CITY of PHENIX CITY, ALABAMA,

9 et al.,

10 Defendants.

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15 DEPOSITION OF WALLACE BURNS HUNTER, SR., taken
16 pursuant to stipulation and agreement before Shannon
17 M. Williams, Certified Court Reporter and
18 Commissioner for the State of Alabama at Large, in
19 the offices of City Hall, 601 12th Street, Phenix
20 City, Alabama, on Wednesday, April 4, 2007,
21 commencing at approximately 10:45 a.m. EST.

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1 Q. And it addresses the article that appeared
2 recently apparently in the Ledger-Enquirer newspaper
3 regarding the city's fire department. Is that
4 accurate?

5 A. That's correct.

6 Q. Then it goes on to say, quote, several
7 firefighters made comments in the paper that were
8 likely to impair discipline and harmony in the
9 workplace, impede job performance, and jeopardize
10 loyalty in this department, end quote. You see
11 where it says that?

12 A. That's correct.

13 Q. And, again, this would have been in
14 response to your review of this newspaper article
15 that we just covered in Exhibit 14 --

16 A. That is correct.

17 Q. -- is that accurate?

18 A. That's correct.

19 Q. What comments made by Mr. Davis and the
20 other firefighters that were quoted in this
21 newspaper article in your judgment impaired
22 discipline and harmony in the fire department?

23 A. Basically the comments about people being
24 afraid to talk. What was you afraid to talk when
25 you're not talking to anybody? Why would you --

1 that's misleading people. Why would you be afraid
2 to talk when you can use the chain of command and
3 come up and talk to me at any time, if you was
4 willing to give me a chance.

5 Q. But my question really is focused on -- and
6 as you just indicated, a number of the firefighters,
7 including Mr. Davis, expressed fears about potential
8 retaliation and discipline. So on that isolated
9 issue, how would that comment by Mr. Davis in the
10 newspaper article impair discipline and harmony in
11 the fire department?

12 A. It was misleading statements. Who had been
13 disciplined for anything during my tenure -- short
14 tenure so far? That's misleading.

15 Q. But he expressed fear about potential
16 discipline and, in fact, he was fired later on as we
17 know, but --

18 A. Well, no. That -- this right here was to
19 prevent anything. This was to prevent us from even
20 being here today.

21 Q. Okay. Give me a specific example of how
22 those comments in the newspaper article of Mr. Davis
23 actually, in fact, disrupted discipline or harmony
24 in the workplace. Give me a real concrete, specific
25 example of what you thought was an adverse

1 development from that newspaper article.

2 A. Okay. Let me go back to this article.

3 Now, what are you mainly talking about?

4 Q. I want you to give me a concrete, specific
5 example that occurred after this newspaper article
6 and the comments of Mr. Davis and the other
7 firefighters that you believe actually disrupted or
8 impaired the operation of this fire department --

9 A. They hadn't.

10 Q. -- as a result of the article and the
11 comments in the paper?

12 A. This is the perception of people that's
13 reading it.

14 Q. I'm sorry?

15 A. This is the perception of the readers.

16 Q. So what are you referring to there? A
17 three alarm turmoil?

18 A. Basically. And that the morale -- the
19 statements that are being made, what are you doing
20 as an employee of the city or the fire department to
21 help, you know, with that. So when you look at
22 that, that's a disruption itself when you haven't
23 given the people that you're working for any type of
24 opportunity or chance to discuss these things.

25 Q. Were there fires not put out, rescues not

1 conducted because of that newspaper article and the
2 quotations from Mr. Davis about employee morale and
3 staffing?

4 A. No. We answer the calls.

5 Q. You answer the calls?

6 A. Yes, sir.

7 Q. Any other specific disruption that you can
8 point to that you were really troubled by as the
9 fire chief as a result of these newspaper articles
10 and comments made by Davis and other firefighters?

11 A. As far as -- okay. Directly by Mr. Davis
12 during the counseling session after this, I had a
13 firefighter, Brandon Wilkerson, that said that he
14 was being bullied by David Davis to make phone calls
15 and complain. And I expressed this to David and we
16 talked to him about this --

17 Q. Okay.

18 A. -- when he came in and we did his
19 counseling session. So it was some things from this
20 that came out of it.

21 Q. Anything else?

22 A. Mainly just as far as not wanting to
23 communicate, but all of these different things in
24 the paper here. But as fire chief, I wasn't given a
25 chance to go over any of these issues or to talk

1 about them.

2 Q. Okay. But, again, can you give me any
3 specific examples of disruption or impairment --

4 A. I just gave you --

5 Q. You have to let me finish my question,
6 please, Chief Hunter.

7 A. Sorry.

8 Q. Other than what you've just mentioned, can
9 you give me any other specific or concrete examples
10 of impairment of the fire department or disruption
11 of fire department operations that were resulting
12 from the comments of Mr. Davis and the other
13 firefighters in this newspaper article that came out
14 in September of 2005?

15 A. That's another one -- okay. Another one in
16 here, I guess, would be Councilman Bush being in
17 here to mediate something. He's mediating something
18 that I didn't know anything about.

19 Q. Did you speak to Council Member Bush
20 about --

21 A. No.

22 Q. -- his role as mediator?

23 A. No, sir.

24 Q. Were you upset about that?

25 A. Well, no, I wasn't upset about it.